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Statement of Joanne Doroshow
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Mr. Conyers, members of the Committee, thank you for inviting me to speak today. Some 50 families from 26 states have traveled to Washington D.C. today to voice their strong opposition to President Bush's disastrous civil justice agenda, on which Congress has already started to quickly move. These families have suffered life-altering consequences of negligent medical care and unsafe drugs. On behalf of these survivors, I would like to express our immense gratitude to you for presiding over this forum, and giving these courageous people an opportunity to be heard.

These families have also requested to meet with the President, a request that has been repeatedly ignored by the White House for the past two years, although the President has met numerous times with health care industry representatives and other corporate contributors who are lobbying to take away injured patients' legal rights.

The survivors in this room today are the forgotten faces in the debate over how to reduce skyrocketing insurance rates for some doctors. The solution proposed by the President and others contains many obstacles for those seeking compensation for their injuries or for the death of a loved one, including an across-the-board \$250,000 "cap" on compensation for "non-economic damages" - injuries like permanent disability, disfigurement, blindness, loss of a limb, paralysis, trauma, pain and suffering. Moreover, the legislation is extremely broad, covering not only cases involving medical malpractice, but also cases involving unsafe drugs and medical devices, and nursing home abuse and neglect.

It should be noted that this bill applies across the board to all cases, not just frivolous cases. It applies no matter how much merit a case has, or the extent of the misconduct of the hospital, doctor or drug company. The bill applies regardless of the severity of the injury. Those most hurt by the bill are the most catastrophically injured.

And the bill undermines our constitutional right to trial by jury. The bill limits the power and authority of jurors to decide cases based on the facts presented to them. Washington politicians should not be making these decisions - juries should.

This legislation also reduces the accountability of hospitals, nursing homes, HMOs and drug companies. This will hurt patient safety.

If doctors say they are leaving the profession or leaving certain areas of the country because they cannot afford their insurance premiums, then the solutions to those problems lie with the insurance industry - not with the legal system or patients.

Patient safety must come first. We should be cracking down on the small number of doctors responsible for most of the malpractice. This will reduce both incidents of malpractice and

lawsuits. Doctors and hospitals must be required to tell their patients or the patients' families when they know they have made a medical error, rather than allowing them to keep their mistakes secret.

And excessive prices being charged by insurers today must be regulated at the state level, and the public must be given the opportunity to participate in rate hearings, as they are in California. This bill completely ignores the insurance industry's major role in the high price of medical malpractice insurance premiums.

We must protect the legal system and make it accessible for everyone seeking justice, accountability and adequate compensation for devastating injuries or death. The courageous people who have come hear today, speak for all of us, and I am honored to present them to you now.